



## Administrative Regulation

**AR 343**

**RESPONSIBLE DEPARTMENT:**  
HUMAN RESOURCES, MAIN EXT.  
22491

**SUBJECT: Leave**

**EFFECTIVE DATE: 6/1/01**  
Amended dates: 12/1/05

**RELATIONSHIPS TO ADOPTED POLICIES, ORDINANCES**

Scottsdale Revised Code §14, Human Resource Management;  
Administrative Regulation 370, Transitional Duty; Administrative  
Regulation 380, Vacation Leave Transfer

**CYCLE OF REVIEW:**  
ANNUALLY, AT THE MINIMUM

**APPROVALS:**

☒ JAN DOLAN, CITY MANAGER

DATE APPROVED: DECEMBER 1, 2005

☒ TERI TRAAEN, GENERAL MANAGER HUMAN RESOURCES

DATE APPROVED: DECEMBER 1, 2005

### Sec. 1 Purpose

To comply with Federal law and provide employees the opportunity to balance the demands of the workplace and their families by providing a variety of city paid leaves.

### Sec. 2 Policy

The City of Scottsdale provides a variety of leaves that are available to eligible employees in the event of accident, injury, illness, death, required jury duty, military service, and other reasons. Leave may be paid or unpaid. In other cases, leave is concurrent, (i.e., overlap with another type of leave). The following is an overview of the types of leave available:

#### **PART I – MEDICAL-RELATED LEAVES**

##### **MEDICAL LEAVE (Paid)**

The City provides full-time benefited employees with eight (8) hours of medical leave each month. Job-share and part-time benefited employees receive pro-rated leave. Additionally, employees have unlimited carryover of medical leave hours each year. Employees should use this opportunity to build up a “safety net” of medical leave hours. Medical leave usage is limited to employees who need to take time off work for their own personal medical conditions.

An employee, who resigns or is separated from the City, is not paid out their medical leave balance. Qualified City retirees however, may be eligible to use medical conversion, which allows retirees to use any medical leave accruals remaining towards their city health contributions.

The City may require a written release from the employee’s treating physician or a physician retained at city expense, as applicable, before an employee may return to work.

### **CITY FAMILY LEAVE (CFL)**

The City allows full-time benefited employees to take up to 40 hours of their accrued medical leave each year to care for an immediate family member (spouse, child, parent, brother, sister, grandparent, grandchild, including step children, stepparents, adopted children, and in-laws). Job-share and part-time benefited employees receive pro-rated leave. This is a limited exception to the rule that medical leave must be used for the employee's own personal medical condition(s). This is concurrent leave, not additional medical leave.

### **MATERNITY/PATERNITY LEAVE (Paid)**

The City allows benefited employees to take up to 240 hours of their accrued medical leave each year to care for a newborn or newly adopted child. This is a limited exception to the rule that medical leave must be used for the employee's own personal medical conditions. This is concurrent leave with medical leave and FMLA leave. This leave must be used within three (3) months of birth or in the case of legal adoption, the commencement of legal custody. If the mother and father are both City employees, their combined leave for the care of the newborn or newly adopted child will not exceed 240 hours (unless the mother has an extenuating medical condition).

Benefited employees may take up to 12 weeks unpaid leave as defined by the FMLA (i.e. newborn care, medical purposes). The 12 weeks of leave will be prorated for job share and part-time benefited employees. The amount of time the employee is eligible will be based on the healthcare provider and Human Resources approval.

Pregnancy Discrimination Act (PDA): This 1978 amendment to Title VII of the Civil Rights Act of 1964 prohibits sex discrimination on the basis of pregnancy, childbirth or related medical conditions. This act does not provide special treatment of pregnancy or related conditions by employers, but does require an employer to treat a woman who is temporarily disabled because of the pregnancy the same as it treats any other person with a temporary disability.

### **FEDERAL FMLA (Family Medical Leave Act) LEAVE**

The Family Medical Leave Act is a public law enacted in 1993 to grant family and temporary medical leave under certain circumstances. This act provides employees who have worked for the City for at least 12 months (not necessarily consecutively) and at least 1250 hours during the 12-month period prior to the requested leave, up to 12 weeks of job and benefit protected leave for qualified FMLA absences. The employee must meet notice and certification requirements required by the Act. This leave may be unpaid, or paid by exhausting accrued leave. Paid leave taken is prorated for benefited part-time and job share employees.

Employees are required to use accrued medical leave (concurrently with FMLA leave) when eligible for FMLA. Unpaid leave (or leave without pay) is defined as unpaid (no salary), but benefits and job status are protected. Holidays occurring within a week of FMLA will count as FMLA leave. An approved FMLA leave of less than 12 weeks but no more than 12 weeks is permissible.

After the 12 weeks of FMLA are exhausted, the employee's job is no longer "job-protected." Although the employee may have and/or elected to use vacation leave or optional short term disability leave for pay purposes, this leave is considered a "benefit" or "insurance," and is not considered a job protection. The employee's supervisor may elect to approve some or all of the employee's vacation, or may elect to separate the employee, and the employee will be paid all remaining vacation time.

*For example, an FMLA qualified individual with 80 hours of accrued medical leave, and 80 hours of accrued vacation leave is entitled to 12 weeks (480 hours) of FMLA leave.*

*However, if the employee qualifies for FMLA leave because of a serious health condition for himself or herself, they must first exhaust the 80 hours of accrued leave, and may or may not choose to use up to 80 hours of accrued vacation leave. Any additional FMLA leave would be unpaid.*

An employee who runs out of accrued leave balances while on FMLA is placed on Leave Without Pay, (LWOP) for the remainder of the FMLA leave. After all accrued medical and vacation leave is exhausted, further medical leave and vacation does not accrue while an employee is on unpaid FMLA leave. Following an employee's return to work, medical leave and vacation leave accrual resumes the pay period containing the first day of the month.

The FLMA leave may be taken all at once, or as intermittent leave, or as a reduced leave schedule if medically necessary. Intermittent leave may be taken in separate blocks of time due to a single qualifying event. Reduced Leave reduces the employee's usual number of working hours per workweek or workday. Intermittent/Reduced leave is not used for the birth or placement of child (after the event) unless approved by the General Manager and Human Resources designee.

### **QUALIFYING REASONS FOR TAKING FMLA LEAVE**

- Prenatal care, care of a newborn child, or placement of a child with an employee for foster care or adoption (spouses of the same employer are entitled to a maximum of 12 weeks total for birth and adoption)
- The serious health condition of employee's child, biological or adoptive parent, or spouse. The term "parent" does not include a parent "in-law." Child is defined as under 18 years of age, incapable of self-care because of mental or physical disability, and includes biological, adopted, foster, and step child
- The employee's serious health condition (including medical appointments for on-going treatment of chronic conditions)

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that requires either:

- In-patient care (overnight) in a hospital, hospice, or residential treatment center; or
- A period of incapacity, of more than three (3) consecutive days which includes an inability to work, attend school, or perform other regular daily activities, upon a medical providers assessment of the claimed medical condition

### **FMLA EMPLOYEE NOTICE (and Temporary Designation)**

If foreseeable, the employee gives 30 days' notice that FMLA leave is needed. In all other cases, the employee notifies his/her supervisor as soon as practicable after becoming aware of the need for leave, preferably within two working days. Failure to do so will mean a loss of the FMLA's protections for that absence, and the time away from work is counted as an unexcused absence, and the employee is subject to disciplinary action. An employee's adult relative, spouse, attorney or health care provider also may provide notice of the employee's need for FMLA leave.

The FMLA is designed to protect both the employer and the employee. The city must ensure that FMLA time is tracked and maintain a complete and accurate record of absences that are FMLA eligible. An employee does not have a choice to elect or not elect FMLA. In order to comply with this law, all supervisors/managers must contact Human Resources or their Senior Human Resource Analyst if an employee is out of work due to illness for themselves or a family member for more than three (3) days. The City temporarily designates the employee as FMLA eligible until a determination is made as to whether or not they qualify, or if there appears to be a pattern of non-FMLA related absences.

### **FMLA 12-MONTH PERIOD DEFINED**

The City uses a "rolling" 12-month period; measured backward from the date the employee first begins use of FMLA leave, to determine the number of weeks available for FMLA leave.

For example, if an employee requests FMLA leave effective August 12, 2004, Human Resources reviews the previous twelve months record to see if any FMLA leave was taken. If four (4) weeks of FMLA leave time was taken in November 2003, then the employee has eight (8) weeks of FMLA leave time available.

### **MEDICAL CERTIFICATION/ FITNESS FOR DUTY/ RETURN TO WORK EVALUATION**

An employee must provide a fitness for work certification from his or her healthcare provider in order to return to work, when required to do so by the City. Human Resources reviews this medical information to assist in determining the employee's work status. The city may delay an employee's return to work if the form is not returned or is incomplete. The city may require additional information or verification from a City doctor. Employees must return to work when approved by the employee and/or city physician and Human Resources. Failure to return to work at that time is considered a voluntary resignation.

The City of Scottsdale may deny reinstatement to an employee if the employee is unable or does not return to work at the end of 12 weeks of FMLA. However, the City works with employees in special circumstances (i.e. terminal illnesses) to ensure they receive the maximum benefits allowed under the law and within City guidelines.

Re-certification is required at 30-day intervals. Both certification and re-certification may be waived at the discretion of the Human Resources Director or designee.

### **INDUSTRIAL LEAVE/WORKERS' COMPENSATION (WC) LEAVE**

If an employee is absent from work under the State of Arizona's Workers' Compensation Act, the absence is considered Industrial Leave/Workers' Compensation leave. City of Scottsdale employees are covered under the Arizona State WC Act against injuries, illness or disease occurring in the course of City employment. The law provides for payment of all medical and hospital expenses, and, under certain circumstances, compensation for loss of income.

Workers' Compensation, except for payment of medical and hospital expenses, is not paid for the first day of injury. From the second day until return to work (including transitional duty on a part-time basis while recuperating), the employee receives their net take home pay. To receive a full paycheck, employees are paid the difference between their net take home pay and the amount received in WC. An employee who takes time off from work to attend worker's compensation related medical appointments, as approved, is paid, without using any of his/her accrued leave (personal, medical, vacation, etc.).

### **THE INTERFACE BETWEEN WORKERS' COMPENSATION AND THE FMLA**

Workers' Compensation Leave runs concurrently with the 12 week FMLA entitlement, if the worker's injury otherwise meets the "serious health condition" requirement. Because the leave pursuant to a WC injury is paid, the city does not require, nor will the employee choose to substitute accrued paid leave.

An employee covered by both WC and FMLA who accepts a transitional duty position retains the right to return to his/her same or equivalent position until all 12 weeks of FMLA leave have been taken.

An employee on WC leave loses all FMLA leave rights at the termination of the 12-week period, even if the employee remains on WC leave. At that point, whatever employment rights the employee has lie in the WC area or under the Americans with Disability Act (ADA), if the injury meets the ADA criteria.

#### **SHORT TERM DISABILITY LEAVE (STD)**

This is a voluntary employee paid benefit insurance program that may be selected by a benefited employee at the time of benefit open enrollment or new hire as a part of the city's flexible benefits package. STD goes into effect when a covered employee's accrued medical leave is exhausted or after a seven day waiting period, and under further conditions stated in the policy. This program can benefit the new employee that has not yet accumulated a pool of medical leave. This flexible benefit gives up to thirteen weeks of coverage, as approved by the employee's physician and the City of Scottsdale.

Any employee who is temporarily disabled due to illness or other condition, including disability due to pregnancy, childbirth, and related medical conditions, is permitted a leave of absence during the period of temporary disability.

Short term disability is insurance that is elected and paid for by the employee and does not provide job protection rights. Employees select a weekly dollar amount up to 70% of their weekly salary. FMLA and STD will run concurrently.

#### **LONG TERM DISABILITY LEAVE (LTD)**

This benefit goes into effect after a benefited employee has been off work for 180 days and is approved by the disability carrier. An employee must obtain and complete disability application papers that are available in Human Resources. An employee approved for Long Term Disability (LTD) receives 66 2/3% of their monthly salary. This amount is offset by other income received by the employee (i.e., Workers' Compensation, pension, etc.)

An employee must apply for LTD prior to separation from the city. An employee may be separated from the city after FMLA exhaustion, and will still qualify for LTD, if approved, by carrier after the 180 waiting period.

#### **GAP LEAVE**

Long Term disability (LTD) benefits are not paid until an employee has been out for 180 days and approved by the disability carrier. The city provides "GAP" coverage to bridge the possible unpaid time between the end of an employee's medical leave, vacation leave, or short-term disability (STD) coverage and the start of long term disability payments. An employee must obtain and complete GAP and LTD forms that are available in Human Resources.

GAP coverage goes into effect after an employee has been out for more than 90 days and all medical leave, vacation leave and STD coverages are exhausted. Employees receive 60% of their monthly salary offset by any other benefits the employee may be receiving (i.e., pension, etc.).

Employee's timesheets must indicate unpaid leave. Checks are paid through the payroll system.

If an employee gets a release to return to work prior to approval for LTD, GAP and STD shall immediately cease. In the event an employee should go out again after 10 days of working, they are separated from the city and need to wait the 180-day waiting period prior to LTD becoming effective.

## **LEAVE AND THE AMERICAN'S WITH DISABILITIES ACT (ADA)**

Leave allowed under FMLA may be treated as a "reasonable accommodation," even if intermittent. However, upon exhaustion of 12 weeks of FMLA leave, additional leave may be required under ADA.

## **TRANSITIONAL LEAVE/TEMPORARY TRANSFER**

Following any absence due to a temporary disability illness or condition, the City of Scottsdale makes a reasonable effort to return the employee to his/her former position if that position is available, or if it is not available, to another position within the City for which the employee is qualified. There is, however, no guarantee that any position will be available.

The City makes a reasonable attempt to place an employee in a "transitional" position, or in his/her current position with modified duties, if he/she is able to perform the essential functions of that position, and if there is a specific need for the work. This "transitional (light) duty" type of work is for a limited time period. Medical documentation to perform the transitional work is required from the employee's healthcare provider and/or a City doctor to Risk Management and Human Resources. (Also refer to [Administrative Regulation #370](#), Transitional Duty.)

Provided the employee has not exhausted FMLA leave, or under the provisions of the ADA, an employee may also be approved for intermittent leave, transitional duty or a reduced hourly schedule because they are not yet medically certified to return to work on a full-time basis. The City of Scottsdale may require the employee to perform different tasks or transfer to a different job for which the employee is qualified on a temporary basis.

An employee may be requested to provide information regarding education, skills and abilities to assist Human Resources in placement for transitional duty.

If transitional work is offered to the employee, and the employee is medically certified to return to work on transitional duty and approved by Human Resources, the employee is required to return to work. Return to transitional work terminates, or reduces, Workers' Compensation benefits.

## **TRANSFER AND AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATION**

ADA position on reassignment: Reassignment of an employee as a reasonable accommodation under the ADA applies in the following limited circumstances: 1) the employee becomes unable to perform the essential function of the job even with reasonable accommodations, and 2) there exists, or soon will be, a vacant position which the employee is qualified to perform. The city does not reassign a disabled employee under any other circumstances, such as requests by a disabled employee who wants a transfer or reassignment to other jobs for reasons such as lay off, better job opportunity, or convenience.

Equal Employment Opportunity Commission (EEOC) position on reassignment: "Employers should reassign the individual to an equivalent position if the individual is qualified, and if the position is vacant within a reasonable amount of time." Reassignment is considered when an employee is unable to perform his or her present job, even with reasonable accommodations. Vacant positions include ones that are currently vacant or are expected to become vacant within a reasonable time under a totality of the circumstance test. Reassignment is a last resort and will be utilized only if the employee cannot be reasonably accommodated in his or her existing job.

The City does not create a position or promote the employee to effectuate reassignment, nor keep an employee on unpaid leave indefinitely until a position becomes vacant. If the city cannot find an equivalent vacant position, the city can offer the employee a reassignment to a lesser position, in terms of pay range or status. It is general practice for the employee to retain their actual salary/rate of pay.

An ADA qualified employee may be transferred into a vacant City position for which he/she qualifies and can perform the essential functions. Many times, an ADA qualified employee who can no longer perform the essential functions of their position, are separated from the City and elect Long Term Disability. If the employee requests specific transfer or placement, the City makes a reasonable attempt to locate a vacant City position. However, the employee must be ADA qualified, meet the minimum qualifications for the position, and be able to perform the essential functions of that position, regardless of their past performance. If the City has made a reasonable effort to find a vacant position within a reasonable time period, and the employee refuses said position offer, the LTD is not delayed until a position becomes available. Once an employee is separated from the City due to an ADA qualification, the City does not place a separated employee in a vacant position should it become available.

## **PART II – OTHER LEAVES**

This section is excerpted from the Scottsdale Revised Code §14 ([Human Resource Management](#)). Refer to the Scottsdale Revised Code for complete descriptions of the City's leave policies. In all cases where any of the information provided below differs the Code will prevail.

### **FLOATING HOLIDAY LEAVE**

Benefited employees receive one floating holiday each fiscal year. This leave is to be taken at anytime during the fiscal year with management approval.

Benefited part-time and job share employees Floating Holiday hours are be pro-rated, pooled in with vacation hours, and are added to the vacation accrual in the first pay period of the fiscal year. A floating holiday must be recorded on the "vac-4-Hol" line of the part-time and job share employee Webtime timesheet.

### **HOLIDAY LEAVE**

Benefited employees in an active pay status will have the following days off with pay each fiscal year.

Benefited Part-time and job share employees' holiday hours are pro-rated, pooled in with vacation hours and are accrued monthly. Holidays must be recorded on the "Vac-4-Hol" line of the Webtime timesheet.

Independence Day, July 4  
Labor Day, first Monday in September  
Thanksgiving Day, fourth Thursday in November  
Day after Thanksgiving Day, fourth Friday in November  
Christmas Day, December 25  
New Year's Day, January 1  
Martin Luther King, Jr. Day, third Monday in January  
President's Day, third Monday in February  
Memorial Day, last Monday in May

### **PERSONAL LEAVE**

Employees with a minimum of five (5) continuous years of benefited service may take personal leave, up to a maximum of twenty-five (25) percent of the unused medical leave accrued during the previous twelve-month period, providing they have sufficient medical leave to convert. Personal leave accrues upon the first day of service after an employee has completed five (5) continuous years of regular service.

Employees with a minimum of four hundred eighty (480) medical leave hours may take personal leave, up to a maximum of fifty (50) percent of the unused medical leave accrued during the previous twelve-month period, providing they have sufficient medical leave to convert.

Each year eligible employees are notified that they may convert medical leave to personal leave. Accumulated medical leave is reduced by one (1) hour for every one (1) hour of personal leave taken.

### **VACATION LEAVE**

Benefited employees accrue annual vacation based on a universal benefit date, as outlined below. Benefited part-time and job share employees accrue annual vacation on a pro-rated basis. Paid vacations continue to accrue during any leave with pay. All vacation requests require prior approval of the employee's supervisor.

<b>Years of Service</b>	<b>Annual Hours Earned</b>	<b>Maximum Hours Carryover To Next Year</b>
Up to 5	120	240
6	128.4	256.8
7	136.8	273.6
8	144	288
9	152.4	304.8
10	160.8	321.6
15+	160.8	402

### **VACATION LEAVE TRANSFER**

This voluntary city program allows employees to help one another in times of need. Voluntary vacation leave transfer may be contributed by any leave benefited employee, who has been employed with the City for more than six (6) months, to another leave benefited employee for personal use or to care for a family member with a catastrophic illness or injury that is life threatening, severe or incapacitating, lasting for three (3) or more weeks. The Vacation Leave Transfer Policy, procedures and forms are located in Human Resources.

### **BEREAVEMENT LEAVE**

If a death occurs in the immediate family of a benefited employee, the employee is be given bereavement leave with pay for up to three (3) working days. The employee may use an additional two (2) days of medical leave if necessary, for bereavement purposes.

Immediate family will be defined as mother (in-law), father (in-law), sister (in-law), brother (in-law), daughter (in-law), son (in-law), wife, husband, stepchild, stepparent, grandchild, grandparent or other person living in the household as a member of the family.

For an employee death, a designated Human Resources staff member contacts the employee's beneficiary to provide assistance, information, and benefits information as appropriate per the Human Resources bereavement checklist.

### **COURT LEAVE**

Benefited employees who are summoned to attend court to serve as witnesses or perform jury duty are paid regular compensation while serving, unless the litigation affects the personal interest of the employee. Employees who are summoned to jury duty and who receive jury service fees may keep them even though they may constitute additional compensation.



## **MILITARY LEAVE**

This leave applies to a benefited employee with military obligations to fulfill. An employee may take military leave with pay for an amount of time not to exceed thirty (30) calendar days in any two (2) consecutive federal fiscal calendar years (October 1 to September 30) and in accordance with Arizona Revised Statutes. An employee is not charged military leave for days on which they are not otherwise scheduled for work. The Uniformed Services Employment and Reemployment Rights Act (USERRA), contains additional provisions, which allow an employee to take military leave without pay for up to five (5) years.

Employees who are reservists receive their regular City pay and benefits and are able to retain their reservist pay for a thirty (30) day period.

In the event of a Presidential call out, an additional ninety (90) working days of compensation may be authorized whereby the City will pay the employee the difference between their reservist pay and regular City pay and continue to pay employee benefits to the extent allowable under the City's insurance contracts. The reservists turn over a copy of their reservist check, as necessary, to the City and the City pays the difference between the two checks.

## **EDUCATIONAL LEAVE**

The City supports educational leaves of absence when the leave provides a benefit to the City as well as the employee. The employee must perform well in achieving performance expectations and have been an employee for a minimum of three years. The employee requesting the educational leave must provide to the general manager and Human Resources a memo containing the type of educational leave, name, address and accreditation of the institution, number of hours and degree pursuing, length of leave requested, copies of acceptance papers (when available), the cost of program and benefit to City.

## **LEAVE WITHOUT PAY**

An employee may be granted Leave Without Pay for eighty (80) hours or less with the prior approval of the employee's supervisor. Leave without pay for more than eighty (80) working hours may be granted with the prior approval of the employee's general manager and the Human Resources Director. Leave Without Pay is typically granted in rare circumstances for new employees who may not yet be eligible to use leave benefits, for employees who do not have leave benefits, or in situations where all leave balances have been exhausted.

No Medical Leave, Vacation Leave or Service Time accrues to the account of an employee on Leave Without Pay.

An employee returning to the same position from Leave Without Pay is returned to the same salary. The salary of an employee returning to a different classification is determined by the appropriate general manager.

## **ADMINISTRATIVE LEAVE**

Administrative leave is a non-disciplinary leave for a period not more than thirty (30) days. Extensions may be granted in 10-day increments with approval of the Human Resources Director. This leave is typically taken to permit an investigation into matters concerning possible disciplinary actions, to remove an employee from the work environment if there are concerns relating to safety, health and well-being, or for other purposes as approved by the Human Resources Director. Administrative Leave is paid, unless otherwise requested by the City Manager or designee.

### Sec. 3 Responsibilities

1. Employees must keep an accurate record of the actual hours worked and leave taken on the City's Web Time timesheet. Supervisors must verify and approve each timesheet.
2. Employees can contact their supervisor, check their automated Web Time timesheet and/or contact a Human Resources staff member to verify leave balances. Supervisors must verify leave balances when leave is requested.
3. Employees must request leave in advance and will follow city and department procedures for notifying a supervisor of tardiness or absence.
4. Supervisors and department management may discipline an employee for abuse of medical leave or other leaves requiring supervisory approval. However, retaliation must not be taken against employees for appropriate usage of leave.

### Sec. 4 Program/Process Controls

**LEAVE APPROVAL:** Employees must get supervisor approval for leave requests prior to taking requested leave. In the case of tardiness or unexpected leave, the employee must follow city and departmental procedures for contacting their supervisor.

### Sec. 5 Procedures

**INTERACTIVE PROCESS:** For FMLA and ADA leaves where it is anticipated that an employee may not return to the workplace, or will return after the 12 week eligible FMLA period, the City and employee will engage in the interactive process. A meeting is conducted with the employee's management, the employee and a Human Resources designee to discuss possible options in regards to future employment, return to work, status, and disability.

#### **FMLA EMPLOYEE PROCEDURE:**

1. An employee seeking to use FMLA leave must provide 30-day advance notice to their supervisor of the need to take FMLA leave when the need is foreseeable and such notice is practicable.
2. An employee provides medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member before the employee takes the foreseeable leave. This completed medical certification is provided to Human Resources Benefits staff. A packet of information is available through Human Resources Benefits.
3. In some cases, the City requires second or third medical opinions (at the City's expense) and periodic re-certification.
4. An employee (or employee designee) provides periodic follow up to supervisor during FMLA leave regarding employee's status and intent to return to work.
5. When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, an employee makes every effort to schedule treatment so as not to unduly disrupt operations.
6. Prior to returning to work, an employee provides a physician completed "fitness for duty" return to work evaluation form to Human Resources Benefits staff.

#### **FMLA SUPERVISOR PROCEDURE:**

1. Each supervisor must have an understanding and comply with FMLA notice requirements. The FMLA has strict notice requirements that must be met in order to ensure effective compliance with

the statute and to ensure leave taken is properly classified as FMLA qualifying. Notice is critical to FMLA and avoiding FMLA violations, which extends liability to individual managers.

2. Each supervisor communicates “employee responsibility” to staff as noted in employee responsibility section.
3. For unplanned and/or emergency medical absences of three (3) consecutive days, a supervisor:
  - a. Informs the employee - “the FMLA law allows eligible employees to take job protected leave for family and medical events. Human Resources will be mailing you a packet explaining FMLA further.” The supervisor can provide a copy of the Leave Policy to the employee.
  - b. Does not ask for detailed personal medical information or specific reasons for absence, due to privacy concerns. The information that is necessary to establish eligibility will be provided in the medical certification as provided by the employee’s physician.
  - c. Contacts Human Resources ([hr@scottsdaleaz.gov](mailto:hr@scottsdaleaz.gov) or call 27600) on the third day of the absence.
  - d. Keeps the Senior Human Resources Analyst informed of FMLA issues. The Senior HR Analyst will assist with questions.
  - e. Informs Human Resources ([hr@scottsdaleaz.gov](mailto:hr@scottsdaleaz.gov) or 27600) when the employee returns to work.

#### **NON-FMLA LEAVE WRITTEN RELEASE**

The City may require a written release from the employee’s treating physician, as applicable, before an employee may return to work.

#### **Sec. 6 Definitions/Glossary**

**ADA:** Americans with Disability Act

**City Family Leave (CFL):** This internal program allows benefited employees to take up to 40 hours of their accrued medical leave each year to care for an immediate family member (spouse, child, parent, brother, sister, grandparent, grandchild, including step children, stepparents, adopted children, and in-laws).

**Concurrent:** overlap with another type of leave

**FMLA :** Family Medical Leave Act. The Family Medical Leave Act is a public law enacted in 1993 to grant family and temporary medical leave under certain circumstances.

#### **Immediate Family:**

- For City Family Leave (CFL): an immediate family member is defined as a spouse, child, brother, sister, parent, grandparent, grandchild, including stepchildren, stepparents, adopted children, and in-laws.
- For Bereavement Leave: an immediate family member is defined as mother (in-law), father (in-law), sister (in-law), brother (in-law), daughter (in-law), son (in-law), wife, husband, stepchild, stepparent, grandchild, grandparent or other person living in the household as a member of the family.
- For the federal Family Medical Leave Act (FMLA) defines family as: the employee’s child, biological or adoptive parent, or spouse. The term "parent" does not include a parent "in-law." Child is defined as under 18 years of age, incapable of self-care because of mental or physical disability, and includes biological, adopted, foster, and step child.

## Sec. 6 Definitions/Glossary (continued)

**Serious Health Condition:** an illness, injury, impairment, or physical or mental condition that requires either: 1.) In-patient care (overnight) in a hospital, hospice, or residential treatment center; or 2.) A period of incapacity, of more than three consecutive days which includes an inability to work, attend school, or perform other regular daily activities, upon a medical providers assessment of the claimed medical condition.

**STD:** Short Term Disability

**USERRA:** Uniformed Services Employment and Reemployment Rights Act. A federal statute that protects the reemployment rights of federal employee military veterans and reservists under the Uniformed Services Employment and Reemployment Rights Act.

**WC:** Worker's Compensation